

1 BILL NO. Z-85-10-15

2 ZONING MAP ORDINANCE NO. Z-Lush

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. M-22.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY  
6 OF FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows  
8 is hereby designated a B-3-B (General Business) District  
9 under the terms of Chapter 33 of the City of Fort Wayne,  
10 Indiana of 1974:

11 Lot #2 and #3 and half of vacated alley in  
Irvington Park Addition, Block 2,

12 and the symbols of the City of Fort Wayne Zoning Map No. M-22,  
13 as established by Section 11 of Chapter 33 of the Code  
14 of the City of Fort Wayne, Indiana are hereby changed accord-  
15 ingly.

16 SECTION 2. That this Ordinance shall be in full  
17 force and effect from and after its passage and approval  
18 by the Mayor.

19  
20 Charles B. Reed  
Councilmember

21 APPROVED AS TO FORM AND LEGALITY:

22 Bruce O. Boxberger  
23 BRUCE O. BOXBERGER, CITY ATTORNEY  
24  
25  
26  
27  
28  
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31  
32



Read the first time in full and on motion by Redd  
seconded by Salerno, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the Ci  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Way  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E

DATE: 10-8-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd  
seconded by Salerno, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 11-26-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We Consuelo Rodriguez  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-3-B District the property described as follows:

Key # 9131320002 - Irvington Park add Block #2  
Lot # 2 and 3 1/2 Vacanted alley except street

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 3205 Northrop Street

Map M-22  
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Consuelo Rodriguez</u>	<u>5128 S-600 W</u>	<u>Consuelo Rodriguez</u>
_____	<u>Sevayee, Ind 46986</u>	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent. Office 493-3511  
Gary Doeden 2917 Westbrook Ft Wayne 4483-0370  
(Name) (Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 8, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-10-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 21, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

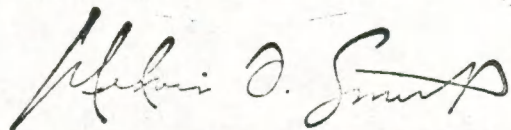
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 28, 1985.

Certified and signed this  
1st day of November 1985.



---

Melvin O. Smith  
Secretary



ORIGINAL

Admn. Appr. \_\_\_\_\_

Councilmanic District #3

DIGEST SHEET

ORIGINAL

2-85-10-15

TITLE OF ORDINANCE \_\_\_\_\_ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE \_\_\_\_\_ 3205 Northrop Street

EFFECT OF PASSAGE \_\_\_\_\_ Property is now zoned R-1 - Single Family Residential.

Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE \_\_\_\_\_ Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

# Division of Community Development & Planning

## BRIEF TITLE

Zoning Map Amendment

## APPROVAL DEADLINE

## REASON

## DETAILS

## Specific Location and/or Address

3205 Northrop Street

## Reason for Project

Enable present owners to sell property  
as a business use.

## Discussion (Including relationship to other Council actions)

October 21, 1985 - Public Hearing

The summarization of this case is attached.

October 28, 1985 - Business Meeting

Of the eight members present 7 voted in  
favor of denial, one did not vote.

## POSITIONS

## RECOMMENDATIONS

## Sponsor

City Plan Commission

## Area Affected

City Wide

Other Areas

Applicants/  
Proponents

## Applicant(s)

Consuelo Rodiguez  
City Department

Other

## Opponents

## Groups or Individuals

Irvington Park Assn.

## Basis of Opposition

-devalue property in area  
-would cause a nuisance  
-increase traffic

Staff  
Recommendation

☐ For ☒ Against

## Reason Against

-adverse impact on area  
-create traffic hazard  
-devalue property in area

Board or  
Commission  
Recommendation

## By

☐ For ☒ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)

☐ Pass ☐ Other  
☐ Pass (as  
amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date September 16, 1985

Projected Completion or Occupancy

Date November 18, 1985

Fact Sheet Prepared by

Date November 18, 1985

Patricia Biancaniello

Date November 18, 1985

Reviewed by

*Gary Baxter*

Reference or Case Number



- a. Bill No. Z-85-10-15 - From R-1 to B-3-B  
Change of Zone #157  
3205 Northrop Street

Ben Eisbart read into the record that the Commission had received six (6) letters in opposition to the rezoning and one (1) letter in favor of the rezoning.

Gary Doeden, agent for the petitioner appeared before the Commission. Mr. Doeden stated that they were requesting the rezoning because the home had been on the market for sale for the last 5 months and no one had requested to see the home and he stated if anyone considers buying it they are opposed to it as a residence because of the heavy traffic on Northrop and



the fact that they are surrounded by businesses across the street and to the north and south of the property. He stated that there are about 2 to 3 blocks that are used residentially on Northrop from that point - the 3200 Block to the By-Pass it is all businesses on both sides of the street. Mr. Doeden stated that he felt that the owner of the property was under a stress situation at this time because the value of the property is meaningless because it cannot be sold as a residential property.

Edith Kenna questioned how long a property would have to be listed before they consider it not marketable as a residential property.

Mr. Doeden stated that the approximate average is 120 days.

Edith Kenna questioned why they were asking for a B-3-B zoning.

Mr. Doeden stated that he went through the Zoning Ordinance and the B-3-B zoning would allow for a professional office.

Steve Smith pointed out that in the Planning Staff Discussion that this area could be used as a transitional office use or if a larger parcel could be developed then it would be more appropriate. He questioned if Mr. Doeden had spoken with the owners of the rest of the properties on this block about such a rezoning.

Mr. Doeden stated they had not spoken with them.

Steve Smith questioned if any of those properties are for sale.

Mr. Doeden stated that they are not to his knowledge.

Edith Kenna questioned if the home was occupied at the present.

Mr. Doeden stated that the home was vacant at this time. He stated that the property was in an estate and the owner has died and the mother of the owner now owns the property and she lives in Marion, IN.

Edith Kenna asked if they had considered renting the property.

Mr. Doeden stated that he has tried to rent the property, but they are not interested in renting because of the traffic and the businesses in the area.

Edith Kenna questioned what was the list price of the home.

Mr. Doeden stated that it was listed for \$44,000.

William Beckford, 3333 Northrop Street stated that he was in favor of the rezoning. He stated that his home was on the market



for over a year before he bought it, and felt it was there that long because of the busy street and businesses. He stated that this is an oasis of residences in these two blocks. He stated that he felt if they could rezone this area for business he would be able to sell his home for what it is worth.

Dennis Sherman, 3337 Northrop Street, stated that he to was in favor of the rezoning. He stated that when he moved into the area Northrop was a two-lane, tarred road, like a country road. He stated he would like to move, but he has been informed that his house is practically worthless sitting where it is because you cannot sell them very well. He stated that he cannot afford to take a loss in order to move. He stated that this area may be zoned residential but because of all of the truck traffic and businesses this area is really not residential anymore.

Ron Reinking, 3336 Garland Avenue, Chairman of the Irvington Park Community Association appeared before the Commission in opposition. Mr. Reinking stated that this area is part of the Irvington Park Association. He stated that the area is very much opposed to the rezoning. He stated this rezoning would cause a detrimental effect on the quiet and peaceful nature of the Irvington Park Association. He stated it would also have a detrimental effect on the value of the homes in the Irvington Park Association. He pointed out that in a letter from a resident, Dr. Walter J. Rissing, that he states that there is a covenant that prohibits the property being used for anything that would become a nuisance to the neighborhood. He states that it also reads that Irvington Park will not be used for anything other than single family dwellings. He stated that to allow for this rezoning would allow for a domino effect in the area. He stated that rezoning this property would create a traffic hazard in the fact that there would be an access problem from Northrop.

Edith Kenna asked if the property in question was part of the Irvington Park Neighborhood.

Mr. Reinking stated that it was.

Edith Kenna then asked George Martin, legal counsel to explain to the Association the impact of Restrictive Covenants.

George Martin stated that private covenants are not binding on the Plan Commission. He stated that the Plan Commission can give consideration to private covenants in reaching its decision. He stated that if the Commission chose to rezone this is to say that from the Planning Act and from the Zoning Ordinance that he is permitted to use the property as rezoned. The Planning Commission does not by rezoning the property give the petitioner the right to go in there vis-a-vis the Irvington Park Association, should they decide to take the petitioner



to Court on the Restrictive Covenant. He stated that the Commission does not override the Covenant, all the Commission does is say they will consider it from a Planning Act standpoint, from a zoning standpoint we can rezone despite the covenant but it does not effect the right of the neighborhood to take legal action.

Edith Kenna questioned if Mr. Reinking considered \$44,000 a fair price for the property in question.

Mr. Reinking stated that he felt it was overpriced.

Steve Smith questioned if the Association had in fact considered that this portion of Northrop was in fact not feasible for residential but at some future date the Association should join forces with the owners of the homes on this corridor and migrate to some sort of logical use that would avoid a possible deterioration of the area.

Mr. Reinking stated that they want to take a position of the highest and best use of the property for the protection of the values of the rest of the association. He stated it should be noted that there are no particular commercial enterprises at that time. He stated that this property was up for rezoning 2 or 3 years ago, and it was denied. He stated that there is a very distinct nature on this property, on this side of Northrop as opposed to the other side of Northrop.

Mr. Doeden, in rebuttal stated that he was unaware that the property had been up for a rezoning, but felt that it was obvious that this property and these two blocks are under a very stress situation at this time. He questioned whether any of the businesses such as the Clark Station were also a part of Irvington Park, and were at one time residential. He pointed out that most of the objections are from property owners on Eastbrook Drive or Grove or Norfolk which is down over the hill, which basically hides them from all of the noise and activity that goes on on Northrop Street.

Herman Friedrich stated that according to our map across the street it is Riverview Park Addition and is not a part of the Irvington Park Addition.

Edith Kenna stated that she has a philosophical problem with rezoning to a B-3-B with out knowing what the intended use of the property is.

Mr. Doeden stated that if there is another zoning, such as a B-1-B, that would allow for a professional office they would agreeable to that zone. He stated that he has been approached for use of this property as a chiropractor's office.



Edith Kenna suggested that he speak with the staff regarding some alternative zoning or methods of using the property for a professional office.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

## RECEIPT

CASH  
COMMUNITY DEVELOPMENT & PLANNING

No 461

FT. WAYNE, IND., 9-16 '85

RECEIVED FROM Consuela Rodriguez \$ 50.00

THE SUM OF fifty 00/100 DOLLARS

ON ACCOUNT OF

reimbursement -

AUTHORIZED SIGNATURE

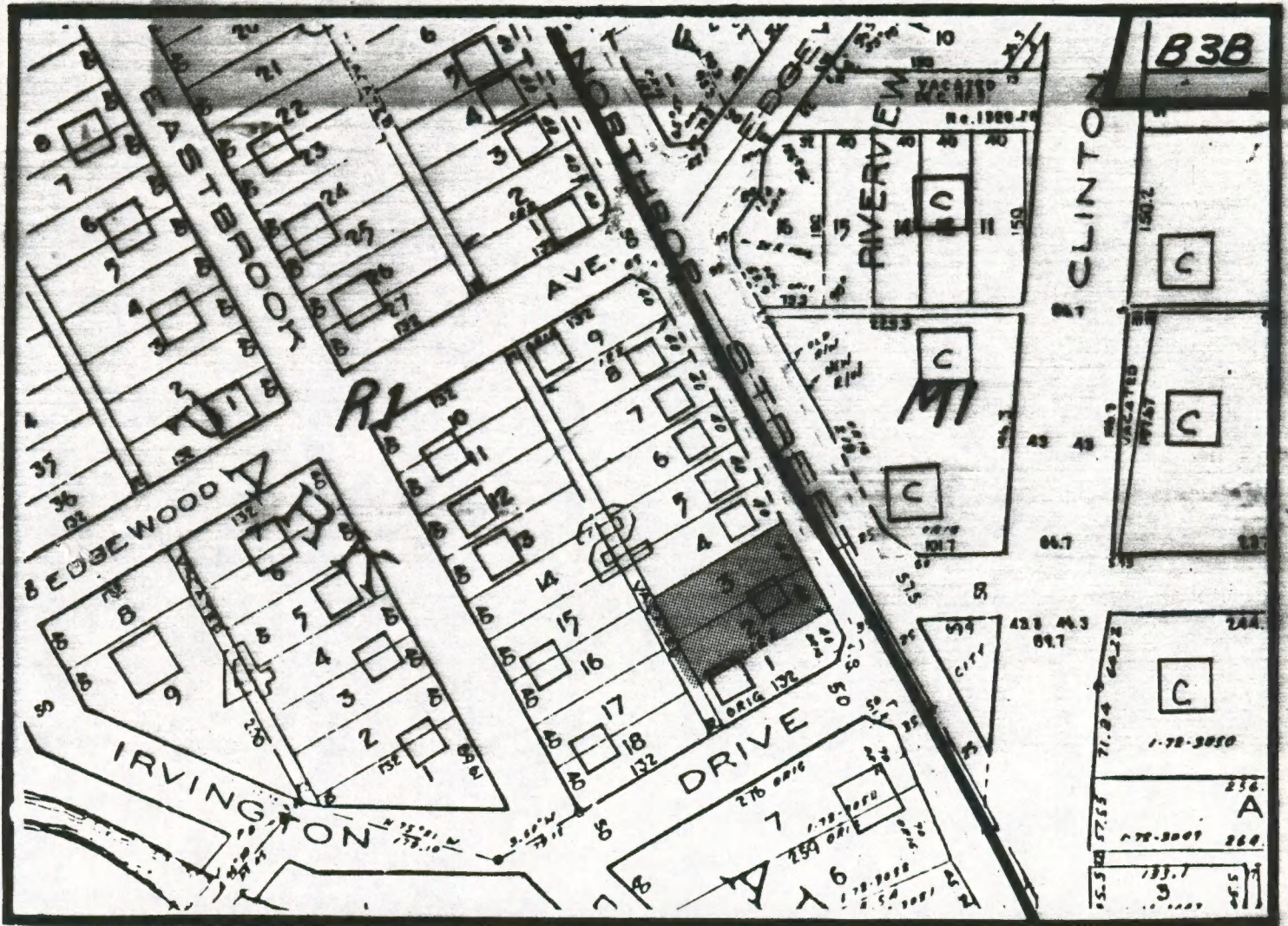


# ZONING PETITION #157

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RI DISTRICT TO A B3B DISTRICT.

MAP NO. M-22

COUNCILMANIC DISTRICT NO. 3



## Zoning:

RI RESIDENTIAL DISTRICT  
MI LIGHT INDUSTRY  
B3B GENERAL BUSINESS "B"

## Land Use:

□ SINGLE FAMILY  
[C] COMMERCIAL

Z-85-10-15

Scale: 1" = 160'

Date: 10-1-85





BILL NO. Z-85-10-15

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~ (RESOLUTION)) amending the City of Fort  
Wayne Zoning Map No. M-22

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)  
~~XXXXXXXXXXXX~~

YES

NO

\_\_\_\_\_  
CHARLES B. REDD  
CHAIRMAN

\_\_\_\_\_  
JANET G. BRADBURY  
VICE CHAIRWOMAN

\_\_\_\_\_  
JAMES S. STIER

\_\_\_\_\_  
BEN A. EISBART

\_\_\_\_\_  
DONALD J. SCHMIDT

CONCURRED IN 11-26-85

*Charles B. Reed*  
*Janet G. Bradbury*  
*James S. Stier*  
*Ben A. Eisbart*  
*Donald J. Schmidt*  
SANDRA E. KENNEDY  
CITY CLERK